



*Ready to Protect,  
Proud to Serve*

**Tucson Police Department**  
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**Information  
about your**

# **IMPOUNDED VEHICLE**

**If your vehicle was impounded by an officer of the Tucson Police Department please carefully read the information the officer gave you at the time of the impound for instructions. This page provides answers to frequently asked questions on this topic.**

**PLEASE NOTE: (1) If your vehicle was impounded by another law enforcement agency, such as the Pima County Sheriff's Department or the Department of Public Safety, you must contact that agency directly for assistance in obtaining the release of your vehicle. (2) If your vehicle was impounded as evidence of a crime, these procedures do not apply to you. Please contact the TPD Detective Unit handling your case for additional information.**

## **Why was my vehicle impounded?**

With very few exceptions, Arizona law requires law enforcement agencies to impound ("tow") a motor vehicle when the driver is in violation of the following provisions:

- The driver is involved in a traffic accident AND is in violation of Arizona financial responsibility law AND has a suspended, revoked, or cancelled driver license or is unlicensed in any jurisdiction.
- The driver has never been issued a license or permit in Arizona or issued a license in any other jurisdiction.
- The driver's license is suspended or revoked for any reason.
- The driver is arrested for Extreme DUI or Aggravated DUI.
- The driver is under 21 years of age and has alcohol in their body.
- The driver is operating a motor vehicle without a required ignition interlock device.
- The driver is operating a motor vehicle off the roadway within ¼ mile of a structure – TC 11-70.1

## **How long will be vehicle be impounded?**

The law requires that vehicles impounded under these conditions be stored for a period of thirty (30) days before being released.

## How much will it cost to get my vehicle back?

Arizona law requires the owner to pay for all towing charges as well as storage fees. Storage fees are limited to a maximum of \$15.00 per day. These charges are owed to the towing company that removed and stored your vehicle. In addition, the owner is liable to the law enforcement agency for administrative fees up to \$150.00.

**As of August 1, 2005, the following charges are in effect for vehicles impounded under this law by the Tucson Police Department.**

### Administrative Fee

\$150.00 payable to the City of Tucson.

### Towing Charge

\$9.50 *plus* \$2.00/mile from the impound site along with a \$28.50 hook up fee payable to the towing company.

### Storage

\$9.50 per day payable to the tow company. For a 30-day Impound, this will amount to \$285.00.

### Gate Fee

If you pick up your vehicle at Gary's Towing at a time other than their regular business hours, you will be charged an after-hours fee of \$40.00.

The Administrative Fee is paid to the City; the remaining charges are paid directly to the towing company.

## How do I get my vehicle back?

After the 30<sup>th</sup> day of impound, you must follow these procedures to recover your vehicle:

- ***Come to the Traffic Section Substation*** at 1310 W. Miracle Mile (Monday – Friday, 8am – 4:30pm).
- ***Bring with you a valid driver license and valid vehicle registration.*** Please note that you may have to go to court or the Motor Vehicle Division first if your license was suspended, revoked or cancelled, and/or if your vehicle registration was expired or cancelled. **We cannot release your vehicle to you until these documents are valid and current.**
- ***Bring proof of current insurance*** with effective and expiration dates.
- ***You must pay an administrative fee of \$150*** to the City of Tucson. Payment may be in the form of cash, money order or a cashier's or certified check.
- Once you have met all the requirements, you will be given a release form that you must take to the towing company.
- If the vehicle was sold or the title was transferred after being impounded, the vehicle will only be released after the full 30 day impound period.
- ***At the towing company, you must pay the towing and storage fees.*** Payment is made directly to the towing company. If you come to the tow yard at other than normal business hours, you may be charged a gate fee. ***You must also present proof of your identity and ownership to the tow company.***
- If you do not claim your vehicle within ten (10) days of the available release date, the towing company may file for abandoned title to the vehicle.

## Who can obtain the vehicle?

Under the law an owner, an owner's spouse, their agent (such as an attorney) or a lien holder are the only persons who can obtain release of the vehicle.

### What if someone other than the owner was driving the vehicle when it was impounded?

Unless the vehicle had been stolen prior to the impoundment, the owner of the vehicle is responsible for paying all fees and charges in order to get the vehicle released. If someone else was driving, you may have to take civil action against the driver for any expenses you incur as a result of the impound.

### If I own the vehicle but have not yet transferred the title into my name, can I still get the car back?

You must first completely meet all legal title and registration requirements before the vehicle can be returned to you. This can be done through the Arizona Motor Vehicle Division. If the vehicle is registered out of state you must either register the vehicle in Arizona or obtain the necessary documentation from the state in which it is currently registered.

### What will happen if I cannot claim my vehicle?

Under Arizona law the towing company may file for an abandoned title and seek ownership of the vehicle if it is left at the tow yard unclaimed for more than ten (10) days. If you have difficulty in paying for the towing and storage, but wish to retain ownership of your vehicle, you should contact the towing company and discuss the matter with them.

### Can I get my vehicle back before the 30-days is up?

Under certain limited circumstances, you may be able to have the vehicle returned to you prior to the end of the 30-days. This may require a hearing, which is described later in this document.

You may be eligible to have the vehicle released early **only if you meet one of the following conditions or circumstances:**

- If the vehicle was stolen at the time it was impounded,
- If the vehicle is subject to bailment and was driven by an employee of a business establishment including a parking service or repair garage, who is subject to ARS §28-3511-A or B.
- If the owner presents satisfactory proof that the owner's driving privilege has been reinstated.
- If ALL OF THE FOLLOWING APPLY – the owner or owner's agent was not the person driving in violation at the time of the impound, AND the owner or the owner's agent is in the business of renting motor vehicles without drivers, AND the vehicle is registered pursuant to ARS §28-2166.

In certain situations, the spouse of the owner may enter into an agreement with the Police Department that they will not let a driver arrested for Extreme or Aggravated DUI, or a minor in possession of alcohol, drive the vehicle within one year. If the agreement is violated, there is no relief available from the 30 day impound period the next time a violation occurs.

In addition, we shall release a vehicle to a person, other than the owner, identified on MVD's record as having an interest in the vehicle before the end of the 30 day period if all of the following conditions are met. (1) The person is a motor vehicle dealer, bank, credit union or acceptance corporation or any other licensed financial institution legally operating in this state or is another person who is not the owner and who holds a security interest in the vehicle. (2) The person pays all towing and storage fees related to the impoundment of the vehicle unless the vehicle is stolen and the theft was reported to the appropriate law enforcement agency. If the vehicle is stolen and the theft was reported to the appropriate law enforcement agency, the operator of the vehicle at the time of impoundment is responsible for all towing, storage and administrative charges. (3) The person presents foreclosure documents or an affidavit of repossession of the vehicle.

**If the owner had a suspended license, can they get the vehicle back prior to the 30 day period if their license is restored to a valid status?**

Yes. The owner would have to prove that they now have a valid license, at which time we will release the vehicle upon payment of administrative fees and towing and storage charges.

**Would I still have to pay fees and charges if the vehicle is released early to me?**

Yes, the owner is still liable for administrative charges and all towing and storage fees.

**At the end of the 30-days, can I just go to the towing company and get my vehicle?**

No, the towing company is not allowed to release an impounded vehicle without paperwork from the Tucson Police Department. You must follow the claim process outlined above.

**If I am found “not guilty” on my criminal or traffic charges will that affect the impound of my vehicle?**

No. As long as the officer impounded your vehicle according to the law and TPD procedures the outcome of any trial does not affect the impoundment of the vehicle.

**Am I entitled to a hearing on this impound?**

Yes, you may request a hearing from the Tucson Police Department by writing or calling the address and/or number on the front page.

**Do I need to have a hearing?**

No, you do not. Most people who do not meet one of the exemptions will not request or need a hearing.

**When must I request a hearing?**

We must receive your request for a hearing not later than ten (10) days from the date of the vehicle impoundment. If your request is received after the ten day time period, we will not grant you a hearing on this matter.

**How is the hearing conducted?**

The hearings for impounds are conducted by a sworn member of the Tucson Police Department. Hearings may be held over the telephone or in person.

**What will I have to prove at the hearing?**

In order to have your vehicle released prior to the 30 days required by law, you must be able to prove that certain special circumstances exist. See the question above regarding how a vehicle may be released early.

**Is there a charge for the hearing?**

No, there is no fee or charge for a hearing.

**Do I need an attorney for the hearing?**

No, an attorney is not needed. The hearing process is informal.